
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1994 **Hearing Date:** June 23, 2026
Author: Alvarez
Version: May 19, 2026
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Defending Immigrant Victims Act*

HISTORY

Source: Author

Prior Legislation: AB 15 (Gipson), vetoed, 2025
AB 60 (Bryan), Ch. 513, Stats. of 2023
AB 325 (Reyes), held in Senate Appropriations, 2023
AB 160 (Committee on Budget), Ch. 771, Stats. of 2022
SB 993 (Skinner), held in Assembly Appropriations, 2022
SB 674 (De Leon), Ch. 721, Stats. of 2015

Support: California Partnership to End Domestic Violence; Californians for Safety and Justice

Opposition: None known

Assembly Floor Vote: 77 - 0

PURPOSE

The purpose of this bill is to require every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter, inform each victim, or the victim's surviving relative, as specified, that they may have rights under applicable law related to immigration relief, and to provide or make available to each victim an "Immigrant Victims Rights and Resources" card.

Existing federal law provides for the U-Visa process which allows immigrant victims of certain crimes who have been helpful in a criminal investigation to qualify for a visa that can lead to a green card. (8 U.S.C. § 1101, subd. (a)(15)(U).)

Existing federal law provides for the T-Visa process which allows certain human trafficking victims who assist law enforcement authorities in the investigation and prosecution of trafficking crimes. (8 U.S.C. § 1101, subd. (a)(15)(T)(i).)

Existing California law establishes the Victim's Bill of Rights – also known as "Marsy's Law" – in the California Constitution, which sets forth various provisions regarding the rights of victims and their families in criminal cases. (Cal. Const., art.1, § 28.)

Existing law, for the purposes of Marsy's Law, defines "victim" to include the spouse, parents, children, siblings or guardian of the person directly injured by a criminal act. (Cal. Const., art.1, § 28, subd. (e).)

Existing law declares that criminal activity has a serious impact on the citizens of California and that the rights of victims and their families in criminal prosecutions are a subject of grave statewide concern. (Cal. Const., art.1, § 28, subd. (a)(1).)

Existing law provides that a victim is entitled to be involved and updated, upon request, at various phases of their criminal case. (Cal. Const., art.1, § 28, subd. (b).)

Existing law provides that whenever an individual who is a victim of or witness to a crime, or who otherwise can give evidence in a criminal investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or turn the individual over to federal immigration authorities absent a judicial warrant. (Pen. Code, § 679.015, subd. (b).)

Existing law establishes specified statutory rights of victims and witnesses of crimes, including to be notified as soon as feasible that a court proceeding to which a victim or witness has been subpoenaed as a witness will not proceed as scheduled, as specified, and upon request, to be informed by the prosecutor of the final disposition of the case, as specified. (Pen. Code, § 679.02, subd. (a)(1)-(2).)

Existing law establishes the right of the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of specified proceedings and to receive other case-related updates. (Pen. Code, § 679.02, subd. (a)(3)-(6), (11)-(15).)

Existing law requires state and local agencies, as specified, to certify the "helpfulness" for the purposes of eligibility for a U-Visa, as specified. (Pen. Code, § 679.10)

Existing law requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a "Marsy Rights" card. (Pen. Code, § 679.026, subd. (c)(1).)

Existing law requires the Attorney General (AG) to design and make available to an agency investigating or prosecuting a criminal act a Marsy Rights card, which shall contain the constitutional rights of crime victims, information on the means by which a crime victim can access Marsy's Page, and a toll-free telephone number to enable a crime victim to contact a local victim's assistance office. (Pen. Code, § 679.026, subd. (c)(3).)

Existing law requires every law enforcement agency that investigates criminal activity to, if provided without cost to the agency by a specified non-profit organization, make available and provide to every crime victim a Victims' Survival and Resource Guide pamphlet and/or video that has been approved by the AG, and requires the Victims' Survival and Resource Guide and video to include an approved Marsy Rights card, a list of government agencies, nonprofit victims' rights groups, support groups, and local resources that assist crime victims, and any

other information which the AG determines might be helpful to victims of crime. (Pen. Code, § 679.026, subd. (c)(4).)

Existing law requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, to inform each victim, or the victim's next of kin if the victim is deceased, of the rights they may have under applicable law relating to the victimization, including rights relating to housing, employment, compensation, and immigration relief. (Pen. Code, § 679.027, subd. (a).)

Existing law requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a "Victim Protections and Resources" card, as specified. (Pen. Code, § 679.027, subd. (b)(1).)

Existing law authorizes the Victim Protections and Resources card to be designed as part of and included with the Marsy Rights card, as specified. (Pen. Code, § 679.027, subd. (b)(2).)

Existing law requires, by June 1, 2025, the AG to design and make available to an agency investigating or prosecuting a criminal act a Victim Protections and Resources card, which shall contain information in lay terms about specified victim rights and resources, including, among others types, information about federal immigration relief available to certain victims of crime. (Pen. Code, § 679.027, subd. (b)(2).)

This bill strikes the provision of existing law requiring that the Victim Protections and Resources Card include information about federal immigration relief available to certain victims of crime.

This bill provides that every enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, must inform each victim, the victim's next of kin if the victim is deceased, or the victim's parent or guardian if the victim is a minor of the rights they may have under applicable law relating to immigration relief.

This bill requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, to provide or make available to each victim, the victim's next of kin if the victim is deceased, or the victim's parent or guardian if the victim is a minor, without charge or cost, an "Immigrant Victims Rights and Resources" card.

This bill provides that the Immigrant Victims Rights and Resources" card may be designed as part of, and included with, the "Marsy Rights" card described above.

This bill, requires the AG, by January 1, 2028, to design and make available in English, Spanish, and any other language in which the "Marsy Rights" card is currently translated, a PDF or other imaging format to every applicable agency an "Immigrant Victims Rights and Resources" card,

which shall contain information in lay terms about immigrant victims rights and resources, including, but not limited to, all of the following:

- A statement about undocumented immigrants' potential eligibility for immigration relief options such as a U visa, T visa, relief under the Violence Against Women Act (VAWA), or other immigration relief as a potential victim of a qualifying crime.
- Notification that in order to remain eligible for a U visa, qualifying victims must remain cooperative throughout the investigation or prosecution of the perpetrator.
- A statement about how they can consult an immigration attorney to help determine their eligibility for immigration relief.
- The internet website address of the list of immigration legal services providers maintained by the State Department of Social Services.

COMMENTS

1. Need for This Bill

According to the author:

Victims of crime should never be afraid to contact law enforcement. This legislation encourages undocumented victims to report crimes and share information that supports law enforcement investigations, and ensures they receive guidance about the protections available through the U visa, T visa, or under VAWA.

2. Relevant Federal Law Regarding Immigrant Victims

Federal law provides various pathways for undocumented victims to obtain temporary legal status, work authorization, and a potential path to lawful permanent residency (LPR), most of which were originally enacted in the Victims of Trafficking and Violence Protection Act of 2000, which has since been reauthorized several times.¹ One such avenue is known as a T-Visa, for which undocumented individuals are generally eligible if they have been a victim of a severe form of human trafficking, are physically present in the U.S. on account of such trafficking, have complied with reasonable requests for assistance in investigating or prosecuting such acts of trafficking, and would suffer extreme hardship involving unusual and severe harm upon removal from the United States.² T-Visas, which may also be available to certain family members of the victim, enable persons to remain in the country for an initial period of up to 4 years, and provides a pathway to LPR, also known as a green card.³ Relatedly, individuals who have suffered substantial physical or mental abuse as a result of being a victim of certain violent crimes that violated the laws of the United States or occurred within the United States may be eligible for a

¹ The VTVPA is generally codified at 22 U.S.C. §§ 7101 et. seq, although visa-related provisions are in 8 U.S.C. 1101.

² 8 U.S.C. § 1101, subd. (a)(15)(T)(i)

³ *Ibid.* See also, "Victims of Human Trafficking: T Nonimmigrant Status." *United States Citizenship and Immigration Services*. <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-t-nonimmigrant-status>

U-Visa.⁴ To be eligible for a U-Visa, applicants must possess information regarding the underlying crimes and be certified by a state or local law enforcement agency as having been helpful (or likely to be helpful) in the investigation and prosecution of the crime. As with the T-Visa, certain family members of the victim may also be eligible for the U-Visa, such as the spouse and children of that person.⁵ Finally, VAWA provides a pathway to lawful immigration status for victims of domestic abuse that are the spouse or child of a U.S. citizen or LPR, or the abused parent of a U.S. citizen, who would otherwise have to rely on their abusers to file a petition for status for them.⁶

3. Marsy's Law and Victim Resource Requirements

In the November 2008 election, California voters approved Proposition 9, also known as the Victim's Bill of Rights Act of 2008, or, more simply, "Marsy's Law." Prop 9 amended the California Constitution to provide additional rights to victims of crime, where a "victim" is defined as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim."⁷ Generally, Marsy's law guarantees crime victims the rights to be treated with dignity and respect, to be notified of and participate in court proceedings, to be heard at key stages, and to receive restitution and protection from the accused.⁸

Many Marsy's Law provisions were also codified in statute, including a requirement that every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act must, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a "Marsy Rights" card. The Marsy Rights card enumerates the constitutional rights of crime victims, provides information to access Marsy's Page, and provides a toll-free telephone number to enable a crime victim to contact a local victim assistance office.⁹ In 2022, the Legislature enacted AB 160 (Committee on Budget), Chapter 771, Statutes of 2022, which similarly required an agency investigation or prosecuting a crime to provide crime victims with a Victim Protections and Resources card. This card is required to contain additional information about victim-related rights, including rights relating to housing, employment, compensation, as well as "information about federal immigration relief available to certain victims of crime." AB 160 authorized this card to be designed as part of, and included with the Marsy's Law card.¹⁰ However, AB 160 ultimately never received funding.

⁴ 8 U.S.C. § 1101, subd. (a)(15)(U).

⁵ 8 U.S.C. § 1101, subd. (a)(15)(U)(ii). See also, "Victims of Criminal Activity: U Nonimmigrant Status." *United States Citizenship and Immigration Services*. <https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status>

⁶ 8 U.S.C. § 1154; see also, "Abused Spouses, Children and Parents." *United States Citizenship and Immigration Services*. <https://www.uscis.gov/humanitarian/abused-spouses-children-and-parents>

⁷ Cal. Const., art. I, § 28, subd. (e).

⁸ Cal. Const., art. I, § 28, subd. (b).

⁹ Pen. Code, § 679.026, subd. (c).

¹⁰ Pen. Code, § 679.027, subd. (b)(1)-(3).

Consequently, this bill seeks to ensure that undocumented victims get the information they need regarding any federal immigration relief available by requiring the production and distribution of a card modeled after the Victim Protection and Resources card referenced above. Specifically, the bill requires every law enforcement agency investigating or prosecuting a criminal act to inform each victim of the rights they may have under applicable law relating to immigration relief. The bill specifies that such information must be provided at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as is appropriate, and must be provided to the victim's next of kin if the victim is deceased or to the victim's parent or guardian if the victim is a minor. Within the same time constraints, investigators or prosecutors must provide or make available an "Immigrant Rights and Resources" (IRR) card, which may be designed as part of, or included with the Marsy Rights card.

Another provision of the bill requires the Attorney General to design and distribute the IRR card to all relevant agencies by January 1, 2028, and include the following information therein: 1) a statement about undocumented immigrants' potential eligibility for immigration relief options such as a U visa, T visa, relief under VAWA, or other immigration relief as a potential victim of a qualifying crime, 2) notification that in order to remain eligible for a U visa, qualifying victims must remain cooperative throughout the investigation or prosecution of the perpetrator, 3) a statement about how they can consult an immigration attorney to help determine their eligibility for immigration relief, and 4) the internet website address of the list of immigration legal services providers maintained by the State Department of Social Services.

4. Argument in Support

According to Californians for Safety and Justice:

In 1982, California passed Proposition 8, known as the "Victims' Bill of Rights," to establish the right of victims to obtain restitution from any person who caused them to suffer a loss. It centered on the victims and ensured that their voices were heard as they made their path to recovery. Then, in 2008, California approved Proposition 9, the "Victims' Bill of Rights Act of 2008: Marsy's Law." This law requires local law enforcement to provide victims with a card that outlines information regarding their rights and helpful resources. Marsy's Law established a foundation for protections that are available to victims but currently does not include information about relief options. Many undocumented immigrant victims are unaware of the U visa, T visa, VAWA, and the protections that they provide.

Undocumented immigrants are often vulnerable to serious crimes that undermine public safety. The fear of not knowing who to trust leaves them unprotected and susceptible to crime. Perpetrators take advantage of undocumented immigrants and their instability to prevent them from reporting crimes to law enforcement. According to the Human Rights Watch, abusers threaten undocumented victims with deportation, taking children away, and murder, to silence them. Informing crime victims about immigration relief options and connecting them to legal service providers would help rebuild the trust between local law enforcement and the communities they serve.

AB 1994 would require investigating officers and prosecuting attorneys to provide an Immigrant Victims Rights and Resources card to all crime victims. They would receive this card, which would be designed as part of the Marsy

Rights card, at the time of initial contact, during a follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys. California would strengthen its commitment to protect all crime victims and support efforts to deter future criminal activity by informing victims of the U visa, T visa, and VAWA.

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